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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,275	10/27/2003	Amanda Hoffnung	10005911-2	2787

7590 03/17/2005
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

GORDON, STEPHEN T

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. <u>10/694,275</u>	Applicant(s) <u>HOFFNUNG, AMANDA</u>	
	Examiner <u>Stephen Gordon</u>	Art Unit <u>3612</u>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-33 is/are pending in the application.
- 4a) Of the above claim(s) 17-26, 31 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-30 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 17-26 and 31-32 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention. Applicant timely traversed the restriction (election) requirement in the reply filed on 2-17-05.

2. Applicant's election with traverse of group II in the reply filed on 2-17-05 is acknowledged. The traversal is on the ground(s) that the claimed groups are not patentably distinct and that no serious burden is placed on the office by examining all groups. This is not found persuasive because the grouped claims are deemed patentably distinct for the reasons presented in the last office action. Moreover, it should be noted, while a wheel may be prevented from relative rolling movement, such does not preclude all movement – e.g. the wheel could be slid, thus necessitating use of a chock etc. Additionally, the claimed groups are deemed of sufficiently divergent material such that restriction is warranted.

The requirement is still deemed proper and is therefore made FINAL.

3. The disclosure is objected to because of the following informalities: the status of the relied upon parent cited on page 1 should be updated to reflect the issued patent.

Appropriate correction is required.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 27-29 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsukui '943.

Tsukui teaches a method of securing a caster (10) to a floor surface/support surface (D) including moving a securing bracket (12) into position between the caster and the floor surface to prevent rolling movement – see figure 5.

Re claim 27, the floor surface could be used as part of a package per se and defines a packaging component as broadly claimed. Additionally, the securing bracket (12) is secured to the surface (D) via friction – e.g. see section 2, lines 53-57; section 3, lines 44-48 etc.

Re claim 28, the securing bracket (12) pivots on the axle (22) and extends as broadly claimed – see figure 2.

Re claims 29 and 33, the caster is suspended as broadly claimed – e.g. see section 3, lines 49-52 and figure 5 etc.

With additional regard to claim 33, see the in use position in figure 3 and the secured position of figure 5. Additionally, the frictional contact between the support surface (D) and the high-friction surface 38 is deemed to define fastening as broadly claimed. Note

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Webster's New Collegiate Dictionary (copyright 1980) defines "fasten" as "to make... secure"; "to take a firm grip or hold"; and "to set... steadily".

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz Jr in view of Kuhl.

Schultz Jr teaches a method of securing a caster (W+) against movement on a floor. Moving a securing bracket (16+) into a position between the caster and floor to prevent rolling movement of the caster (see solid line position in figure 3). The bracket is secured to the floor at least to some degree via friction between the floor and the load supporting floor engaging base plate 16 of the securing bracket. Additionally note, the floor could be used as part of a package per se and defines a packaging component as broadly claimed.

Re claim 30, Schultz Jr fails to teach that the securing step includes placing a bolt through an aperture in the securing bracket and through an aperture in the floor/package component.

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Kuhl teaches a pivotal securement bracket (30) for securing an item on casters (12) including placing fasteners (46) through holes in the floor engaging base plate of the securing bracket (30) and the floor. Kuhl teaches that the fasteners can be spikes "or other securing means" but fails to specifically teach the use of bolts per se.

The use of bolts and mating threaded inserts in a floor for securing items to the floor is a notoriously well known method of fastening in the art.

In order to better secure the caster assembly to the floor it would have been obvious to one of ordinary skill in the art to modify the base plate (16) of Schultz Jr such that it could accept floor mounted fasteners in view of the teachings of Kuhl. Such modification would include fastener receiving apertures in the base plate and floor. Moreover, in order to better secure the modified caster assembly against vertical pullout, it would have been obvious to one of ordinary skill in the art to replace the spikes as taught by Kuhl with floor mounted bolt and insert assemblies in view of known art practices.


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note at least Hager teaches a wheel securing system for a platform.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (703) 308-

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2556. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 3-13-05
Stephen Gordon
Primary Examiner
Art Unit 3612

stg

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